

COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET



WARRANT FOR

2013 ANNUAL TOWN MEETING
Nantucket High School
Mary P. Walker Auditorium
Tuesday, April 2, 2013 - 6:00 PM

AND

ANNUAL TOWN ELECTION
Nantucket High School
Tuesday, April 9, 2013
7:00 AM - 8:00 PM

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket, on

***TUESDAY, APRIL 2, 2013 AT 6:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES
CONTAINED WITH THE ENCLOSED WARRANT:***

**ARTICLE 1
(Receipt of Reports)**

To receive the reports of various departments and committees as printed in the Fiscal Year 2012 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Board of Selectmen)

**ARTICLE 2
(Appropriation: Unpaid Bills)**

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Board of Selectmen)

**ARTICLE 3
(Appropriation: Prior Year Articles)**

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Board of Selectmen)

**ARTICLE 4
(Revolving Accounts: Annual Authorization)**

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2014; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2014; said sum not to exceed five (5) percent of the Fiscal Year 2013 tax levy; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 6

(Fiscal Year 2013 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2013 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2014)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2014:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building Inspector, Assistant (hourly)	30.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (per hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per hour)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Mooring Enforcement Officer (hourly)	30.00
Plumbing Inspector, Assistant (hourly)	30.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Senior Adult Day Care Aide (Per Diem - hourly)	18.76
Temporary Employee	various rates

	of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

*Schedule B -- Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 15, 2013- April 14, 2014)*

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$14.00	\$15.00	\$16.00	\$17.00
B-Hourly*	\$14.50	\$15.50	\$16.50	\$17.50
C-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
D-Hourly*	\$16.00	\$17.00	\$18.00	\$19.00
E-Hourly*	\$18.00	\$18.50	\$19.00	\$19.50

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Tennis Attendant, Information Aide, Matron

B: Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer

C: Endangered Species Monitor Supervisor, Dock Worker, Marine Research Technician

D: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer, Pump-out Boat Operator

E: Lifeguard Supervisor, Seasonal Assistant Harbormaster, Seasonal Maintenance Supervisor (Public Works), Tennis Instructor, Seasonal Recreation Coordinator, Reserve Police Officer

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$89,530 \$90,570

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 8

(Appropriation: Fiscal Year 2014 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of

supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2014; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2014, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2014 for the offices, departments, boards and commissions of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 11

(Appropriation: Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2014, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 12

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures in Fiscal Year 2014 for the Enterprise Funds established under the jurisdiction of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

(Enterprise Funds: Fiscal Year 2013 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2013 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 14

(Appropriation: Waterways Improvement Fund)

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91 section 10A of the Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance , dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 15

(Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2014)

To see if the Town will vote to authorize a revolving fund for the Airport, to be known as the Airport Aviation Fuel Revolving Fund, to which shall be credited fees and other receipts received in connection with the sale of aviation fuel, which fund may be expended for the purchase of aviation fuel, to be expended by the Airport Commission, and further to establish a spending limit from the fund for Fiscal Year 2014, pursuant to the provisions of Chapter 28 of the Acts of 2004 and Massachusetts General Law Chapter 44, section 53E½, or to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 16

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to four (4) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 17

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2014, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Sixty-six Thousand Dollars (\$166,000); or to take any other action related thereto.

Or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

ARTICLE 18

(Appropriation: Finalizing Fiscal Year 2014 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2014 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

ARTICLE 19

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 20

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as

amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 21

(Appropriation: Collective Bargaining Agreement/Fire)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2013 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department union employees (represented by the Nantucket Professional Firefighters Local 2509) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 22

(Appropriation: Collective Bargaining Agreement/Airport Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2014 in a collective bargaining contract between the Town of Nantucket (represented by the Airport Commission and Airport union employees (represented by the Massachusetts Laborer's District Council of the Nantucket Memorial Airport Employees of the Laborer's International Union of North America, Local 1060) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 23

(Appropriation: Collective Bargaining Agreement/Our Island Home)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2014 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and Our Island Home union employees

(represented by the Service Employees Union International, Local 1199) in accordance with Chapter 150E of the Massachusetts General Laws, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 24

(Appropriation of Insurance Proceeds: Airport Enterprise Fund)

To see what sum the Town will vote to transfer from insurance proceeds to the Airport Enterprise Fund, which funds were collected in connection with expenditures made by the Airport's emergency response to the October 19, 2012 NetJets fuel spill at the Airport, or take any other action relative thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 25

(Community Preservation Committee: Fiscal Year 2014 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 26 ATM 2008 Maria Mitchell Association	Fiscal Year 2014 Community Preservation Committee Historic Preservation reserved fund balance	\$10,499.49
Total Transfers to Historic Preservation Reserved fund balance		\$10,449.49

(Kenneth Beaugrand, et al)

ARTICLE 26

(Appropriation: FY 2014 Community Preservation Fund)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
Nantucket Firemen's Association Restoration of a 1937 American LaFrance pumper Fire Truck	\$80,000

Nantucket Maria Mitchell Association Preserving the Historic Façade of the Nantucket Maria Mitchell Association's Science Library	\$243,795
St. Paul's Church in Nantucket Restoration of the exterior vestibule and creation of the handicap accessible walkway, lift and stairway	\$416,685
First Congregational Church in Nantucket Restoration of the Old North Vestry	\$195,125
Nantucket Historical Association Preservation of the Old Gaol (Jail)	\$62,425
Two Center Street Restoration Project Preservation of the Historic Methodist Church Building	\$160,163\
Nantucket Islands Land Bank Restoration of Historic barn on Sconset Golf course	\$205,000
University of Florida Preservation Institute 3D laser scanning of Historic buildings for public access	\$68.596
Sub-total	\$1,431,789
\$20,790 of the funds utilized for this category are from the Designated Reserve for Historic preservation with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Housing and rental assistance program	\$120,000
Habitat for Humanity Nantucket Inc. Construct new Habitat for Humanity house on current available or to be available land	\$200,000
Sub-total	\$320,000
\$21,677 of the funds utilized in this category are from the Designated Reserve for Community housing with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Town of Nantucket Funds to pay the interest and principal in the first year of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000

Open Space Reserves	
Allocation to Open Space Reserves for future use.	\$230,000
<u>Sub-total</u>	\$355,000
All of the funds to be used in this category are from the Community Preservation surcharge and the State matching funds.	
Undesignated Reserves	
Allocation to Undesignated Reserves for future use	\$100,000
<u>Sub total</u>	\$100,000
All of the funds to be used in this category are from the Community Preservation surcharge and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee	
Administrative and operating expenses	\$93,211
<u>Sub-total</u>	\$93,211
All funds to be used in this category are from the Community Preservation surcharge and the State matching funds.	
<u>TOTAL</u>	\$2,300,000
And amounts to be appropriated from the following sources:	
<u>SOURCES</u>	<u>AMOUNT</u>
Raised and appropriated from FY 2014 Community Preservation Surcharge	\$1,797,000
From State matching funds for FY 2013, to be received in 2014	\$449,300
From interest	\$11,233
From Designated Reserves for Historic preservation	\$20,790
From Designated Reserves for Community Housing	\$21,677
<u>Total Revenues</u>	\$2,300,000

For fiscal year 2014 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Kenneth Beaugrand, et al)

ARTICLE 27

(Appropriation: Prospect Hill Bike Path)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds \$900,000, to be spent by the Town Manager for professional services toward design, permitting, construction supervision and other related professional services, for the construction of the Prospect Hill Bike Path and pedestrian improvements or to take any other action related thereto.

(Carol Dunton, et al)

ARTICLE 28

(Appropriation: FY 2014 Tick-Borne Disease Reduction Program)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the sum of \$75,000 to be spent by the Town Manager for the purpose of developing an island- wide, comprehensive tick-borne disease reduction program for Fiscal Year 2014, or to take any other action related thereto.

(Carol Dunton, et al)

ARTICLE 29

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds, a sum of money to be deposited into the Other Post-employment Benefits Trust Fund; or take any other action related thereto.

(Board of Selectmen)

ARTICLE 30

(Zoning Bylaw Amendment: Permitted Uses)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not*

meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

1. To delete section 12C, Neighborhood Employee Housing Overlay District, and section 12J, Multi-Family Overlay District, in their entirety.
2. To amend section 2 as follows:

APARTMENT

A dwelling unit located on the second or third floor or in the basement of a commercial structure. A maximum of four apartments per lot are allowed in the following districts:

[Added 4-6-2009 ATM by Art. 27, AG approval 8-10-2009]

- (1) **CDT** – one dwelling unit is permitted for each 1,000 square feet of lot area.
- (2) **CMI** – one dwelling unit is permitted for each 2,000 square feet of lot area.
- (3) **CN** – one dwelling unit is permitted for each 3,000 square feet of lot area.
- (4) **CTEC** - one dwelling unit is permitted for each 4,000 square feet of lot area.
- (5) **CI** - one dwelling unit is permitted for each 5,000 square feet of lot area.

BULK MERCHANDISE RETAIL

The sale of goods that require a large amount of floor space and which involves goods both warehoused and retailed at the same location. Items for sale include large, categorized products such as household appliances, furniture, construction and lawn equipment, electrical and heating fixtures and supplies, plumbing fixtures and supplies.

EMPLOYER DORMITORY

A dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the ~~NEHOD~~ **TOD** in which sleeping accommodations for more than five persons are provided by one or more employers, with occupancy limited solely to their employees.

LUMBERYARD

A facility where building materials such as lumber, plywood, drywall, cement blocks, roofing materials, insulation, and the like, including related products such as wallpaper, plumbing and electrical supplies, paint, glass, and hardware, are stored and sold.

MEDICAL MARIJUANA TREATMENT CENTER

An establishment containing a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

MULTI-FAMILY DWELLING

~~A building(s), structure(s) or area(s) within a building(s) or structure(s) that contains three or four dwelling units on a lot subject to conditions set forth in § 139-12.~~

NEIGHBORHOOD EMPLOYEE HOUSING OVERLAY DISTRICT

~~An overlay district in which housing is provided for six to nine employees in a dwelling unit, together with spouses, domestic partners, and dependents with the total occupancy on the number of persons in a building not to exceed 18 persons per lot, in accordance with § 139-12C.~~ Housing for the exclusive use of employers who own or lease space on a lot, for the purpose of housing their employees, their spouses, domestic partners and dependents. A maximum of two (2) dwelling units shall be permitted per lot with occupancy limited to a total of eighteen (18) persons. In the R-1, ROH, R-5, R-10, R-20, and R-40 districts only, there shall be no more than two (2) lots containing neighborhood employee housing or employer dormitory units (conforming or preexisting nonconforming), within a 1,000 foot radius. The special permit granting authority shall conduct a site plan review in accordance with §139-23 and shall require the submission of a dormitory management plan.

OUTBUILDINGS

Detached accessory residential structures, not including dwelling units, studios, or sheds.

SHED

An accessory structure for storage purposes, not designed to be served by heat or plumbing.

3. To amend section 3F as follows:

F. Overlay districts.

District	Abbreviation
Public Wellhead Recharge	PWR
Flood Hazard	FHD

District	Abbreviation
Mid-Island Planned	MIPOD
Multifamily	MF
Neighborhood Employee Housing	NEHOD
Country	COD
Town	TOD
Formula Business Exclusion	FBED
Harbor	HOD
Village Height	VHOD

4. To amend section 4 as follows:

~~C. ... The Multi-Family Overlay District is located and bounded as shown on a map entitled "Multi-Family Overlay Districts," dated March 13, 2000, prepared by the Nantucket G.I.S. Department as amended to add the area shown as being located in the Multi-Family Overlay District on a map entitled "MFOD-Expansion" dated October, 2001 and February 2002. The districts shown on said map shall be considered overlay districts to be superimposed on the aforementioned Zoning Map of Nantucket, Massachusetts. Copies of the map shall be on file with the Town Clerk, the Building Commissioner, and the Planning Board upon adoption.~~

and

~~E. The NEHOD shall be coterminous with the Town Overlay District (§ 139-12E) and Country Overlay District (§ 139-12F) as is shown on a map entitled "Town and Country Designations" as may be amended from time to time.~~

5. To amend section 7A, Use Chart, as follows (*NOTE: in this section only, new language is shown in italic, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*)

	Use	Town Residential Districts					
		R-1 SR-1	ROH SOH	R-5	R-10 SR-10	R-20 SR-20	R-40
Residential	Primary dwelling	Y	Y	Y	Y	Y	Y
	Secondary dwelling	Y	Y	Y	Y	Y	Y
	Accessory apartment	Y	Y	Y	Y	Y	Y
	Apartment	N	N	N	N	N	N
	Garage Apartment	Y	Y	Y	Y	Y	Y
	Duplex	Y R-1 N SR-1	N	Y	Y R-10 N SR-10	N	N
	Elder housing facilities	SP	SP	SP	SP	SP	SP
	Studio	A	A	A	A	A	A
	Garage – Residential	A/SP	A/SP	A/SP	A/SP	A/SP	A/SP
	Shed	A	A	A	A	A	A
	Outbuildings – other	A	A	Y	Y	A	A
	Swimming Pool – Residential	A	N	A	A	A	A
	Home Occupations	Y	Y	Y	Y	Y	Y
	Greenhouses for personal use	Y	Y	Y	Y	Y	Y
	Keeping of pets and farm animals for personal use	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	N	N	N	N	N	N
	Convenience store	N	N	N	N	N	N
	Alcohol sales	N	N	N	N	N	N
	Bakery	N	N	N	N	N	N
	Open air market	N	N	N	N	N	N
	Pharmacy	N	N	N	N	N	N
	Medical Marijuana Treatment Center	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N
	Restaurants						
	Small (up to 70 seats)	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N
	Take out food establishment	N	N	N	N	N	N
	Drive-through take-out food	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N
	Formula businesses						
	Retail (Includes: bakery, convenience store, and pharmacy)	N	N	N	N	N	N
	Supermarket	N	N	N	N	N	N
	Restaurant						
	Small (up to 70 seats)	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N
	Take out food establishment	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N
	Offices	N	N	N	N	N	N
	Theatres, auditoriums, or other places of public assembly	N	N	N	N	N	N
	Personal Services	SP	SP	SP	SP	SP	SP
	Print shop	N	N	N	N	N	N
	Laundromat or dry-cleaning	N	N	N	N	N	N

	Use	Town Residential Districts					
		R-1 SR-1	ROH SOH	R-5	R-10 SR-10	R-20 SR-20	R-40
	establishment						
	Bank	N	N	N	N	N	N
	Automated teller machine	N	N	N	N	N	N
	Arcade	N	N	N	N	N	N
	Art gallery	N	N	N	N	N	N
	Museum	N	N	N	N	N	N
	Catering	N	N	N	N	N	N
	Crematorium	N	N	N	N	N	N
	Funeral home	SP	SP	SP	SP	N	N
	Health spa	N	N	N	N	N	N
	Medical clinic	N	N	N	N	N	N
	Hospital	N	N	N	N	N	N
	Transient residential facilities						
	Hotel or inn	N	N	N	N	N	N
	Rooming, lodging, or guest house	N	N	N	N	N	N
	Time-sharing/Interval dwelling units	N	N	N	N	N	N
Commercial Industrial	Contractor shop	N	N	N	N	N	N
	<i>Lumberyard</i>	N	N	N	N	N	N
	<i>Bulk Merchandise Retail</i>	N	N	N	N	N	N
	Landscape contractor	N	N	N	N	N	N
	Light manufacturing	N	N	N	N	N	N
	Food processing	N	N	N	N	N	N
	Interior or exterior storage or warehousing	N	N	N	N	N	N
	Motor vehicle sales	N	N	N	N	N	N
	Motor vehicle rental	N	N	N	N	N	N
	Motor vehicle repair or painting	N	N	N	N	N	N
	Motor vehicle service station	N	N	N	N	N	N
	Motor vehicle parking lots or structures	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N
	Taxi cab business	N	N	N	N	N	N
	Bicycle rental or sale	N	N	N	N	N	N
	Maritime service station	N	N	N	N	N	N
	Yacht/Sailing clubs and marinas	N	N	N	N	N	N
Industrial	Adult uses	N	N	N	N	N	N
	Asphalt/Batching plant	N	N	N	N	N	N
	Licensed junkyard	N	N	N	N	N	N
	Transfer station	N	N	N	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	N	N
	Utility production/distribution (does not include WECS)	N	N	N	N	N	N
	Mining	N	N	N	N	N	N
	Truck/bus terminal	N	N	N	N	N	N
	Boat related storage	N	N	N	N	N	N
	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y
	Orchards or nurseries	Y	Y	Y	Y	Y	Y
	Farms	Y	Y	Y	Y	Y	Y

	Use	Town Residential Districts					
		R-1 SR-1	ROH SOH	R-5	R-10 SR-10	R-20 SR-20	R-40
Other	Truck gardens	Y	Y	Y	Y	Y	Y
	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (<i>including greenhouses, truck gardens, farms, orchards, and nurseries</i>)	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y
	Municipal Uses (Any)	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y	Y	Y
	Kennel	SP	SP	SP	SP	SP	SP
	Public stable	SP	SP	SP	SP	SP	SP
	Employer dormitory	SP N	SP N	SP N	SP N	SP N	SP N
	Swimming Pool – Commercial	N	N	N	N	N	N
	Recreational facilities	SP	SP	SP	SP	SP	SP
	Club	N	N	N	SP	SP	SP

	Use	Town Commercial Districts							
		CDT	CMI	CN	CTEC	CI	RC	RC-2	LC
Residential	Primary dwelling	A	A	A	Y	N	Y	Y	Y
	Secondary dwelling	Y	N	N	N	N	Y	Y	Y
	Accessory apartment	Y	Y	Y	Y	N	Y	Y	Y
	Apartment	Y	Y	Y	Y	N SP	N	N	N
	Garage Apartment	Y	Y	Y	Y	Y	Y	Y	Y
	Duplex	Y	Y	A	Y	N	Y	Y	Y
	Elder housing facilities	N	SP	N	N	N	SP	SP	SP
	Studio	Y	Y	Y	Y	N Y	Y	Y	Y
	<i>Garage – Residential</i>	N	N	A	A	N	A	A	N
	<i>Shed</i>	N	N	A	A	A	A	A	N
	<i>Outbuildings – other</i>	N	N	A	A	A	A	A	N
	Swimming Pool – Residential	A	A	A	A	N	A	A	A
	Home Occupations	Y	Y	Y	Y	Y	Y	Y	Y
	Greenhouses for personal use	Y	Y	Y	Y	Y	Y	Y	Y
	Keeping of pets and farm animals for personal use	Y	Y	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	Y	Y	Y	A	A	Y	Y	Y
	Convenience store	Y	Y	Y	N	N	Y	Y	SP
	Alcohol sales	Y	Y	SP/A	N	N	Y	Y	SP
	Bakery	Y	Y	Y	Y	N SP	SP/A	SP/A	A
	Open air market	Y	Y	Y	N	N	Y	Y	N
	Pharmacy	Y	Y	Y	N	N	Y	Y	SP-N
	<i>Medical Marijuana Treatment Center</i>	N	SP	SP	N	SP	N	N	N
	Supermarket	Y	Y	SP	N	N	Y	Y	SP-N
	Restaurants								
	Small (up to 70 seats)	Y	Y	SP	N	N	Y	Y	SP
	Large (71-200 seats)	SP	SP	N	N	N	Y	Y	SP-N
	Take out food establishment	Y	Y	SP/A	N	N	SP	SP	N
	Drive-through take-out food	N	N	SP	N	N	SP	SP	N
	Tavern/Bar	Y	Y	SP/A	N	N	SP	SP	N
	Formula businesses								
	Retail (includes: bakery, convenience store, and pharmacy)	N	Y	Y	N	N SP	SP-Y/N in FBED	Y SP	SP-N in FBED N
	Supermarket	Y	Y	Y	N	N	Y	Y	N
	Restaurant								
	Small (up to 70 seats)	N	SP	SP	N	N	SP-Y/N in FBED	SP N	SP-N in FBED N
	Large (71-200 seats)	N	SP	N	N	N	SP-Y/N in FBED	SP N	SP-N in FBED N
	Take out food establishment	N	SP	SP	N	N	Y/N in FBED	SP N	N
	Tavern/Bar	N	SP	SP	N	N	Y/N in FBED	SP N	N
	Offices	Y	Y	Y	A	A-Y	Y	Y	SP

	Use	Town Commercial Districts							
		CDT	CMI	CN	CTEC	CI	RC	RC- 2	LC
	Theatres, auditoriums, or other places of public assembly	Y	SP	SP	N	N	Y	Y	N
	Personal Services	Y	Y	Y	A	N	Y	Y	SP
	Print shop	Y	Y	Y	Y	N Y	SP	SP	N
	Laundromat or dry-cleaning establishment	SP	SP	SP	SP	N SP	SP	SP	N
	Bank	Y	Y	Y	N	N	Y	Y	SP
	Automated teller machine	Y/A	Y/A	Y/A	N	N	Y	Y	SP
	Arcade	N	SP/A	SP/A	N	N	A	A	A
	Art gallery	Y	Y	Y	N	N	SP	SP	SP
	Museum	Y	N	SP	N	N	Y	Y	N
	Catering	N	Y	Y	Y	N SP	SP/A	SP/A	A
	Crematorium	N	N	N	N	Y	A	A	A
	Funeral home	Y	Y	Y	N	N	Y	Y	Y
	Health spa	Y	Y	Y	N	N	Y	Y	Y -N
	Medical clinic	N	SP	SP	N	N	Y	Y	SP -N
	Hospital	N	N	Y	N	N	N	N	N
	Transient residential facilities								
	Hotel or inn	SP	SP	SP	N	N	Y	N	SP
	Rooming, lodging, or guest house	Y	Y	Y	N	N	Y	N	Y
	Time-sharing/Interval dwelling units	Y	Y	Y	N	N	Y	N	Y
Commercial Industrial	Contractor shop	N	N	SP	Y	Y	SP	SP	N
	Lumberyard	N	N	N	SP	Y	N	N	N
	Bulk Merchandise Retail	Y	Y	Y	SP	Y	N	N	N
	Landscape contractor	N	N	SP	Y	Y	SP	SP	N
	Light manufacturing	N	N	A	SP/A	Y	SP	SP	N
	Food processing	N	N	SP	SP	Y	SP	SP	N
	Interior or exterior storage or warehousing	N	N	A	SP/A	Y	SP	SP	N
	Motor vehicle sales	N	SP	SP	N	SP	SP	SP	N
	Motor vehicle rental	Y	N	SP	N	N SP	SP	SP	N
	Motor vehicle repair or painting	N	SP	SP	SP	Y	SP	SP	N
	Motor vehicle service station	N	SP	SP	SP	N SP	SP	SP	N
	Motor vehicle parking lots or structures	Y	Y	Y	SP	N SP	Y	Y	N
	Car wash	N	SP	N	N	SP	SP	SP	N
	Taxi cab business	N	Y	Y	Y	N	SP	SP	N
	Bicycle rental or sale	Y	N	N	SP	N	SP	SP	N
	Maritime service station	Y	Y	Y	Y	Y	Y	Y	SP -N
	Yacht/Sailing clubs and marinas	Y	N	N	N	N SP	Y	Y	SP -N
Industrial	Adult uses	N	N	N	N	SP	N	SP	N
	Asphalt/Batching plant	N	N	N	N	Y	SP -N	SP N	N
	Licensed junkyard	N	N	N	N	SP	SP -N	SP N	N
	Transfer station	N	N	N	N	SP	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	Y	SP -N	SP N	N
	Utility production/distribution	SP	SP	SP	SP	Y	SP -N	SP N	N

	Use	Town Commercial Districts							
		CDT	CMI	CN	CTEC	CI	RC	RC- 2	LC
Other	(does not include WECS)							N	
	Mining	N	N	N	N	Y	SP-N	SP N	N
	Truck/bus terminal	N	N	N	SP	Y	SP-N	SP N	N
	Boat related storage	N	N	SP	Y	Y	Y	Y	N
	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y	Y	Y
	Orchards or nurseries	Y	Y	Y	Y	Y	Y	Y	Y
	Farms	Y	Y	Y	Y	Y	Y	Y	Y
	Truck gardens	Y	Y	Y	Y	Y	Y	Y	Y
	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (<i>Including greenhouses, truck gardens, farms, orchards, and nurseries</i>)	Y	Y	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y N
	Municipal Uses (Any)	Y	Y	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y SP	Y N	Y	Y	Y
	Kennel	SP	SP	SP	SP	SP	SP	SP	SP N
	Public stable	SP	SP	SP	SP	SP	SP	SP	SP N
	Employer dormitory	SP N	SP N	SP N	SP N	SP N	SP N	SP N	SP N
	Swimming Pool – Commercial	N	SP/A	SP/A	A	N	SP/A	SP/A	SP/A
	Recreational facilities	SP	SP	SP	SP	SP	SP	SP	SP
	Club	Y	Y	Y	Y	N	Y	Y	Y

	Use	Country Residential Districts					Country Commercial Districts	
		V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
	Primary dwelling	Y	Y	Y	Y	Y	A	A
	Secondary dwelling	Y	Y	Y	Y	Y	N	N
	Accessory apartment	Y	Y	Y	Y	Y	Y	Y
	Apartment	N	N	N	N	N	N	N
	Garage Apartment	Y	Y	Y	Y	Y	Y	Y
	Duplex	N	N	N	N	N	N	N
	Elder housing facilities	SP	SP	SP	SP	N	N	N
	Studio	A	A	A	A	A	Y	Y
	<i>Garage - Residential</i>	<i>A/SP</i>	<i>A</i>	<i>A</i>	<i>A/SP</i>	<i>A</i>	<i>A</i>	<i>A</i>
	<i>Shed</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A/SP</i>	<i>A</i>	<i>A</i>	<i>A</i>
	<i>Outbuildings – other</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A/SP</i>	<i>A</i>	<i>A</i>	<i>A</i>
	Swimming Pool – Residential	A	A	A	A	SP	A	A
	Home Occupations	Y	Y	Y	Y	Y	Y	Y
	Greenhouses for personal use	Y	Y	Y	Y	Y	Y	Y
	Keeping of pets and farm animals for personal use	Y	Y	Y	Y	Y	Y	Y
Business Commercial	Retail sales	N	N	N	N	N	Y	A
	Convenience store	N	N	N	N	N	SP	A
	Alcohol sales	N	N	N	N	N	A	A
	Bakery	N	N	N	N	N	Y	A/SP
	Open air market	N	N	N	N	N	Y	Y
	Pharmacy	N	N	N	N	N	N	N
	<i>Medical Marijuana Treatment Center</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>
	Supermarket	N	N	N	N	N	N	N
	Restaurants							
	Small (up to 70 seats)	N	N	N	N	N	SP	N
	Large (71-200 seats)	N	N	N	N	N	N	N
	Take out food establishment	N	N	N	N	N	A	N
	Drive-through take-out food	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	A	A
	Formula businesses							
	Retail (<i>includes: bakery, convenience store, and pharmacy</i>)	N	N	N	N	N	N	N
	Supermarket	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>
	Restaurant							
	Small (up to 70 seats)	N	N	N	N	N	N	N
	Large (71-200 seats)	N	N	N	N	N	N	N
	Take out food establishment	N	N	N	N	N	N	N
	Tavern/Bar	N	N	N	N	N	N	N
	Offices	N	N	N	N	N	Y	A
	Theatres, auditoriums, or other places of public assembly	N	N	N	N	N	A	A/SP
	Personal Services	N	N	N	N	N	Y	SP
	Print shop	N	N	N	N	N	N	N
	Laundromat or dry-cleaning establishment	N	N	N	N	N	SP	N

	Use	Country Residential Districts					Country Commercial Districts	
		V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Commercial Industrial	Bank	N	N	N	N	N	N	N
	Automated teller machine	N	N	N	N	N	A	A
	Arcade	N	N	N	N	N	N	N
	Art gallery	N	N	N	N	N	Y	Y
	Museum	N	N	N	SP	N	SP	N
	Catering	N	N	N	N	N	A	A
	Crematorium	N	N	N	SP	N	N	N
	Funeral home	N	N	N	N	N	N	N
	Health spa	N	N	N	N	N	N	N
	Medical clinic	N	N	N	N	N	N	N
	Hospital	N	N	N	N	N	N	N
	Transient residential facilities							
	Hotel or inn	N	N	N	N	N	N	N
	Rooming, lodging, or guest house	N	N	N	N	N	SP	N
	Time-sharing/Interval dwelling units	N	N	N	N	N	Y	N
	Contractor shop	N	N	N	N	N	N	A
	<i>Lumberyard</i>	N	N	N	N	N	N	SP
	<i>Bulk Merchandise Retail</i>	N	N	N	N	N	SP	SP
	Landscape contractor	N	N	N	N	N	N	SP
	Light manufacturing	N	N	N	N	N	SP/A	SP/A
	Food processing	N	N	N	N	N	N	SP
	Interior or exterior storage or warehousing	N	N	N	N	N	A	SP/A
	Motor vehicle sales	N	N	N	N	N	N	N
	Motor vehicle rental	N	N	N	N	N	N	N
	Motor vehicle repair or painting	N	N	N	N	N	N	N
	Motor vehicle service station	N	N	N	N	N	N	N
	Motor vehicle parking lots or structures	N	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N	N
	Taxi cab business	N	N	N	N	N	N	N
	Bicycle rental or sale	N	N	N	N	N	SP	A
	Maritime service station	N	N	N	N	N	N	SP
	Yacht/Sailing clubs and marinas	N	N	N	N	N	N	SP
	Adult uses	N	N	N	N	N	N	N
	Asphalt/Batching plant	N	N	N	N	N	N	N
	Licensed junkyard	N	N	N	N	N	N	N
	Transfer station	N	N	N	N	N	N	N
	Petroleum product storage or distribution facility (i.e. tank farm)	N	N	N	N	N	N	N
	Utility production/distribution (does not include WECS)	N	N	N	N	N	N	N
	Mining	N	N	N	N	N	N	N
	Truck/bus terminal	N	N	N	N	N	N	N
	Boat related storage	N	N	N	N	N	N	SP
	Preservation of a lot in its natural condition	Y	Y	Y	Y	Y	Y	Y
	Orchards or nurseries	Y	Y	Y	Y	Y	Y	Y
	Farms	Y	Y	Y	Y	Y	Y	Y
	Truck gardens	Y	Y	Y	Y	Y	Y	Y

	Use	Country Residential Districts					Country Commercial Districts	
		V-R	LUG-1	LUG-2	LUG-3	MMD	VN	VTEC
Other	Care and propagation of fish and shellfish	Y	Y	Y	Y	Y	Y	Y
	All agricultural uses allowed by Ch. 590 of the Acts of 1989, effective 3-8-1990 (Includes greenhouses, truck gardens, farms, orchards, and nurseries)	Y	Y	Y	Y	Y	Y	Y
	Cemeteries	Y	Y	Y	Y	Y	Y	Y
	Municipal Uses (Any)	Y	Y	Y	Y	Y	Y	Y
	Tents	Y	Y	Y	Y	Y	Y	Y
	Day-care center	Y	Y	Y	Y	Y N	Y	Y N
	Kennel	SP	SP	SP	SP	SP	SP	SP
	Public stable	SP	SP	SP	SP	SP	SP	SP
	Employer dormitory	SP	SP	SP	SP	SP N	SP	SP
	Swimming Pool – Commercial	A	A	A	A	N	A	A
	Recreational facilities	SP	SP	SP	SP	SP	SP	SP
	Club	N	SP	SP	SP	N	SP	SP

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 31

(Zoning Bylaw Amendment: Formula Business - Definition Modification)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 2, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

FORMULA BUSINESS

A type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which is under common ownership or control or is a franchise, and is one of 14 ~~10~~ or more other businesses or establishments worldwide maintaining ~~three~~ ~~two~~ or more of the following features:

- (1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- (2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of store design, such as cups, napkins, bags, boxes, rappers, straws, store signs or advertising devices.

(3) Standardized color scheme used throughout the interior or exterior of the establishment, including, but not limited to, graphics, awnings, signage, and the like visible from the exterior of the structure.

(4) Standardized interior décor including, but not limited to style of furniture, wall coverings, permanent fixtures, displays, window treatments

(45) Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags).

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 32

(Zoning Map Change: Brant Point Area Plan Implementation - LC to CN and R-5 and RC to R-10)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Limited Commercial (LC) district in the Commercial Neighborhood (CN) district:

MAP	LOT	NUMBER	STREET
29	130	30	N BEACH STREET

2. By placing the following properties currently located in the Limited Commercial (LC) district in the Residential 5 (R-5) district:

MAP	LOT	NUMBER	STREET
42.4.1	103	18	N BEACH STREET
42.4.1	104	20	N BEACH STREET
42.4.4	18	5	NORTH AVENUE
42.4.4	58	9	NORTH AVENUE
42.4.1	113	6	DOLPHIN COURT
42.4.1	37	5	DOLPHIN COURT
42.4.1	112	3	DOLPHIN COURT
42.4.1	38.1	1	DOLPHIN COURT
42.4.4	16	11	NORTH AVENUE
42.4.1	100	12	N BEACH STREET
42.4.1	101	14	N BEACH STREET
42.4.1	102	16	N BEACH STREET
42.4.4	80	22	N BEACH STREET
42.4.4	81	24	N BEACH STREET
42.4.4	15	26	N BEACH STREET

42.4.4	10	5	SYLVIA LANE
42.4.4	11	3	SYLVIA LANE
42.4.4	12	1	SYLVIA LANE
29	131	38	N BEACH STREET
29	131.1	40	N BEACH STREET
29	132	42	N BEACH STREET
29	133	50	N BEACH STREET
29	135	52	N BEACH STREET
29	135.1	54A	N BEACH STREET
29	134	54B	N BEACH STREET
29	90 (a portion of)	9	CABOT LANE
42.4.4	17	3	NORTH AVENUE
Note: Not Included in Brant Point Area Plan			

3. By placing the following property currently located in the Residential Commercial (RC) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
29	4	75	HULBERT AVENUE

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 32 Brant Point Area Plan Implementation” dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 33

(Zoning Map Change: Holdgate Property - Old South Road RC-2 to CN)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential Commercial 2 (RC-2) district in the Commercial Neighborhood (CN) district:

Map	Lot	Number	Street
68	10	40	Old South Road

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 33 Holdgate Property - Old South Road” dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 34

(Zoning Bylaw Amendment: Town and Country Overlay District Boundary Adjustments: Vicinity of Hummock Pond Road, Dukes Road, Crooked Lane and Madaket Road)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. By amending section 4E by removing the following properties from the Country Overlay District and adding them to the Town Overlay District:

MAP	LOT	NUMBER	STREET
56	311	77	HUMMOCK POND ROAD
56	67.3	99	HUMMOCK POND ROAD
56	308	97	HUMMOCK POND ROAD
56	118	91	HUMMOCK POND ROAD
56	120	89	HUMMOCK POND ROAD
56	310.2	83	HUMMOCK POND ROAD
56	121	81	HUMMOCK POND ROAD
56	309	95	HUMMOCK POND ROAD
56	310.1	87	HUMMOCK POND ROAD
56	122	79	HUMMOCK POND ROAD
56	251	89	VESTAL STREET
56	187	34	DUKES ROAD
56	190	28	DUKES ROAD
56	466	63	HUMMOCK POND ROAD
56	71	65	HUMMOCK POND ROAD
56	217	61	HUMMOCK POND ROAD
56	3	59	HUMMOCK POND ROAD
56	4	55	HUMMOCK POND ROAD
56	5	49	HUMMOCK POND ROAD
56	214	39	HUMMOCK POND ROAD
56	211	75	MILK STREET
56	245	50	DUKES ROAD
56	246	48	DUKES ROAD
56	247	46	DUKES ROAD
56	248	44	DUKES ROAD
56	249	42	DUKES ROAD
56	250.1	38	DUKES ROAD
56	473	77	VESTAL STREET
56	210	73	MILK STREET

56	462	75	VESTAL STREET
56	210.1	71	MILK STREET
56	195.3	56	VESTAL STREET
56	189	30	DUKES ROAD
56	188	32	DUKES ROAD
56	194.1	69	MILK STREET
56	327	41	DUKES ROAD
56	328	39	DUKES ROAD
56	329	37	DUKES ROAD
56	194	67	MILK STREET
56	192	73	VESTAL STREET
56	195.1	60	VESTAL STREET
56	195.2	58	VESTAL STREET
56	467	71	VESTAL STREET
56	435	69	VESTAL STREET
41	56.1	52	VESTAL STREET
41	56	50	VESTAL STREET
41	55	48	VESTAL STREET
41	188	4	DUKES ROAD
41	314	4	TULIP LANE
41	531	51	CROOKED LANE
41	201.3	43	CROOKED LANE
41	201.2	57	MADAKET ROAD
41	201	61	MADAKET ROAD
41	608	67-	VESTAL STREET
41	54	44	VESTAL STREET
41	62	18	DUKES ROAD
41	59	67	VESTAL STREET
41	61	16	DUKES ROAD
41	530.1	27	DUKES ROAD
41	58.1	63	VESTAL STREET
41	59.1	65	VESTAL STREET
41	60	14	DUKES ROAD
41	530.3	25	DUKES ROAD
41	58.2	61	VESTAL STREET
41	197	23	DUKES ROAD
41	192	12	DUKES ROAD
41	57	57	VESTAL STREET
41	196	21	DUKES ROAD
41	191	10	DUKES ROAD
41	195	19	DUKES ROAD

41	190	8	DUKES ROAD
41	198	60	CROOKED LANE
41	189	6	DUKES ROAD
41	313	17	DUKES ROAD
41	187	2	DUKES ROAD
41	587	46	MADAKET ROAD
41	586	48	MADAKET ROAD
41	585	50	MADAKET ROAD
41	584	52	MADAKET ROAD
41	583	54	MADAKET ROAD
41	582	56	MADAKET ROAD
41	200	62	MADAKET ROAD
41	200.4	64	MADAKET ROAD
41	200.3	66	MADAKET ROAD
41	200.2	68	MADAKET ROAD
41	462.3	70	MADAKET ROAD
41	462.8	72	MADAKET ROAD
41	202	41	CROOKED LANE
41	203.2	35	CROOKED LANE
41	203.1	33	CROOKED LANE
41	203	31	CROOKED LANE
41	204	29	CROOKED LANE
41	73	154	CLIFF ROAD
41	79	9	CROOKED LANE
41	80	7	CROOKED LANE
41	470	5	CROOKED LANE
41	80.1	7A	CROOKED LANE
41	69	166	CLIFF ROAD
41	837	164	CLIFF ROAD
41	70	162	CLIFF ROAD
41	74	150	CLIFF ROAD
41	74.1	152	CLIFF ROAD
41	836	154	CLIFF ROAD
41	71	158	CLIFF ROAD
41	75.1	148	CLIFF ROAD
41	75	146	CLIFF ROAD
41	76	144	CLIFF ROAD
41	78	142	CLIFF ROAD
41	575	140	CLIFF ROAD
41	81	1	CROOKED LANE
41	72	11R	CROOKED LANE

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 34 Overlay Change” dated January 2013 and filed herewith at the Office of the Town Clerk.

2. By deleting section E(1) its entirety.
3. By deleting section F(1) in its entirety.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 35

(Zoning Map Change: R-20 to R-10 - Meadow Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential-20 (R-20) district in the Residential 10 (R-10) district:

MAP	LOT	NUMBER	STREET
41	403 (a portion of)	10	MEADOW LANE
41	446	9	MEADOW LANE
41	445	7	MEADOW LANE
41	444	5	MEADOW LANE

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 35 Meadow Lane” dated January 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 36

(Zoning Bylaw Amendment and Zoning Map Change: Village Height Overlay District and Hummock Pond Farms - LUG-2 to VR)

To see if the Town will vote to take the following actions:

1. To amend chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4F, as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

The Village Height Overlay District (VHOD) is shown on a map entitled “~~2009 Special Town Meeting Warrant Article 20, Zoning Change, Madaket, 41-81D Master Plan, Planning Area 1~~” dated July 2009. “Village Height Overlay District” dated December 2012, as may be amended from time to time.

2. To amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 4F, by adding the following parcels to the Village Height Overlay District and to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Village Residential (VR) district:

MAP	LOT	NUMBER	STREET
82	92	4	ISHMAEL ROAD
82	98	1	MELVILLE COURT
65	60	4	MOBY WAY
82	102	34	AHAB DRIVE
82	103	32	AHAB DRIVE
82	104	30	AHAB DRIVE
82	99	2	MELVILLE COURT
82	100	4	MELVILLE COURT
82	101	6	MELVILLE COURT
82	93	2	ISHMAEL ROAD
82	105	28	AHAB DRIVE
82	106	26	AHAB DRIVE
82	91	6	ISHMAEL ROAD
82	97	21	AHAB DRIVE
82	90	8	ISHMAEL ROAD
82	107	24	AHAB DRIVE
82	96	19	AHAB DRIVE
65	69	3	QUEQUEG DRIVE
65	66	10	ISHMAEL ROAD
65	70	5	QUEQUEG DRIVE
82	95	17	AHAB DRIVE
65	52	22	AHAB DRIVE
65	53	20	AHAB DRIVE
65	68	9	AHAB DRIVE
65	67	11	AHAB DRIVE
65	54	18	AHAB DRIVE
65	65	7	AHAB DRIVE
65	55	16	AHAB DRIVE
65	63	6	AHAB DRIVE
65	56	14	AHAB DRIVE
65	57	12	AHAB DRIVE
65	62	4	AHAB DRIVE
65	64	8	AHAB DRIVE
65	61	2	AHAB DRIVE

65	58	3	MOBY WAY
65	59	5	MOBY WAY

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 36 Zoning Change LUG-2 to VR and Addition to Village Height Overlay District” dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 37

(Zoning Bylaw Amendment: VTEC/VR Intensity Regulations)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 16 as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
...					
VR	20,000	30 20	45 10	100	10%
...					
VTEC	40,000	30	20	100	7 25%

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

ARTICLE 38

(Zoning Map Change: Siasconset SR-20 to SR-10)

To see if the Town will vote to: Amend the Nantucket Zoning Map to move 32, 34, 36, 40, 42, 44, and 46 Baxter Road, 1 and 5 Ann’s Lane, and 49, 51R, and 55 Sankaty Road from the Sconset Residential 20 district to the Sconset Residential 10 district, or to take any other action related thereto.

(Steven Cohen, et al)

ARTICLE 39

(Zoning Bylaw Amendment: Intensity Regulations)

To see if the Town of Nantucket will amend the Nantucket Zoning Bylaw Chapter 139-16 B. (3) by inserting the highlighted text and deleting the text indicated by strikethrough as following:

Only in the Town Overlay District Frontage of a lot may be reduced for an individual lot in a subdivision or on a plan endorsed "approval not required" to a minimum of 50 feet (which width shall not be reduced at any depth within the lot, provided that:...

(Cormac Collier, et al)

ARTICLE 40

(Zoning Bylaw Amendment: Secondary Dwelling)

To see if the Town will vote to amend Chapter 139 Section 2, definition of "Secondary Dwelling" to add the following language as a new paragraph at the end of the existing definition:

"Notwithstanding any language contained herein to the contrary, any property that is owned by a validly created and existing cooperative housing corporation as of December 31, 2012, may be converted to a residential condominium form of ownership, maintaining the separate beneficial ownership of the primary and secondary dwellings, without subjecting such property to the Nantucket Housing Needs Covenant."

(Jessie M. Glidden, et al)

ARTICLE 41

(Wind Turbine Moratorium)

To see if the Town will vote to place a moratorium on the permitting, construction and installation of any form of wind turbine in all zones and districts, including municipal use, including but not limited to residential, commercial, industrial, educational, and agricultural zones throughout the entire Town of Nantucket (including the islands of Tuckernuck and Muskeget) including on-shore and off-shore areas, and to direct all elected Board members within the Town of Nantucket, and all appointed officials or employees of the Town of Nantucket, to take all actions necessary, to cease, suspend and otherwise prohibit the permitting, construction, installation, and contract negotiation for the siting of any commercial or municipal wind turbines anywhere within the borders of the Town of Nantucket, on public or private land, under the present or future zoning by-laws or by special permit, building permit or otherwise for a period of five (5) years; or to take any other action related thereto.

(Bruce R. Mandel, et al)

ARTICLE 42
**(Bylaw Amendment: Board of Sewer Commissioners/
Town Sewer District Map Changes)**

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by taking the following actions:

1. By amending section 41-3A as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

A. Town Sewer District is shown on a map entitled "Nantucket Sewer Districts Town and Siasconset" prepared by the Town of Nantucket GIS Coordinator, dated April 20, 2010, as may be amended from time to time. The above referenced map incorporates the original sewer district map dated March 2004 as approved through Article 56 of the 2004 Annual Town Meeting and all subsequent amendments as may be approved through the 2010 Annual by Town Meeting from time to time. The Town Sewer District, projected to have a summer average daily flow capacity of 2,800,000 mgd, is serviced by the Surfside Wastewater Treatment Facility.

2. By adding the following parcels to the Town Sewer District:

MAP	LOT	NUMBER	STREET
56	245	50	DUKES ROAD
56	246	48	DUKES ROAD
56	247	46	DUKES ROAD
56	248	44	DUKES ROAD
56	249	42	DUKES ROAD
56	327	41	DUKES ROAD
56	328	39	DUKES ROAD
54	223	14	BREWSTER ROAD
54	236	15	BREWSTER ROAD
54	221	16	BREWSTER ROAD
54	222	17	BREWSTER ROAD
54	220.2	20	BREWSTER ROAD
54	220.1	5	BOSTON AVENUE

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 42 Town Sewer District Expansion" dated January 2013 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen)

ARTICLE 43
**(Bylaw Amendment: Board of Sewer Commissioners/
Siasconset Sewer District Map Changes)**

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3B (Siasconset Sewer District) of the Code of the Town of Nantucket by taking the following actions:

1. By amending section 41-3B as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

B. Siasconset Sewer District as shown on a map entitled "Nantucket Sewer Districts Town and Siasconset" prepared by the Town of Nantucket GIS Coordinator, dated April 20, 2010, as may be amended from time to time. The above referenced map incorporates the original sewer district map dated March 2004 as approved through Article 56 of the 2004 Annual Town Meeting and all subsequent amendments as may be approved by Town Meeting from time to time. ~~an area outlined in blue on a map entitled, "Comprehensive Wastewater Management Plan, (Proposed) SIASCONSET SEWER DISTRICT," with a summer average daily flow capacity of 220,000 mgd, dated March 2004 (on file in the office of the Town Clerk), or as shown in an additional area outlined in blue on a supplemental map entitled "Article 51, 2006 Annual Town Meeting Additions to the Siasconset Sewer District dated as of March 7, 2006, Nantucket, Massachusetts" and as shown in an area outlined in green on a supplemental map entitled "2007 Annual Town Meeting Article 41" and further as shown on an area outlined in red on a supplemental map entitled "2009 Annual Town Meeting Article 53"; and further shown in the additional area indicated on a map entitled "Article 38 - 2010 Annual Town Meeting Additions to the Siasconset Sewer District dated as of November 5, 2009, Nantucket, MA"~~ The Siasconset Sewer District, projected to have a summer average daily flow of 220,000 mgd, is serviced by ~~within which all sewage shall be collected, transported to, treated by and disposed from the Siasconset Wastewater Treatment Facility.~~

2. By adding the following parcels to the Siasconset Sewer District:

MAP	LOT	NUMBER	STREET
72	2	309	MILESTONE ROAD
72	21	315	MILESTONE ROAD
72	7	1	MC GARVEYS WAY
72	5	5	MC GARVEYS WAY
72	4	4	MC GARVEYS WAY

72	3	6	SEVEN MILE LANE
72	52	2	SEVEN MILE LANE
72	53	4	SEVEN MILE LANE
72	54	5	SEVEN MILE LANE

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 43 Siasconset Sewer District Expansion" dated January 2013 and filed herewith at the Office of the Town Clerk.

(Board of Selectmen)

ARTICLE 44

(Bylaw Amendment: Committees/Capital Program Committee)

To see if the Town will vote to amend Chapter 11, Article II of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikethrough; these methods to denote changes are not meant to become part of the final text; and, further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

Article II

Capital Program Committee

§ 11-6. Establishment; membership.

There shall be a Capital Program Committee consisting of seven voting members.

- A. ~~Four~~ **Five** voting members will be appointed by the Board of Selectmen with terms beginning and ending with the fiscal year, July 1 through June 30. With the exception of the first appointments, each term will be three years. ~~The first Board of Selectmen appointments will be as follows: Committee members one and two initial appointments will carry a one-year term; Committee member three initial appointment will carry a two-year term; and Committee member four initial appointment will carry a three-year term. After the initial terms, terms will follow the three-year rotation.~~ For any first appointment made after an amendment to this paragraph A, the Board of Selectmen shall appoint a member to a two or three year term, so as to have no more than two terms expiring in any year.
- B. ~~A fifth~~ **sixth** voting member shall ~~be appointed by the Board of Selectmen; a sixth voting member shall be appointed by the Finance Committee; the seventh voting member shall be appointed by the Nantucket Planning and Economic Development Commission. Each of the fifth, sixth and seventh members must be members of the Finance Committee and Nantucket Planning and Economic Development Commission respectively. Board, Commission or Committee at the time of appointment. Board, Commission or Committee Finance Committee and Nantucket Planning and Economic Development Commission appointments shall~~

be for one fiscal year and coterminus with the Town's fiscal year or at cessation of the member's term of appointment, whichever first occurs.

(Board of Selectmen)

ARTICLE 45

(Bylaw Amendment: Council for Human Services)

To see if the Town will vote to amend Chapter 12 (Council for Human Services) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text)*:

§12-5. Contract Review Subcommittee - membership, terms, vacancies.

The Contract Review Subcommittee shall consist of seven Nantucket residents. At the beginning of each fiscal year, two members of the Contract Review Subcommittee shall be appointed by and shall be members of the Council for Human Services; one member shall be appointed by and be a member of the Finance Committee; one member shall be appointed by and be a member of the Nantucket Planning and Economic Development Commission; ~~one member shall be appointed by and be a member of the Board of Selectmen.~~ **Two Three** members shall be members of the public-at-large and shall be appointed by the Board of Selectmen. Members of the Contract Review Subcommittee who are members of the public at large shall be appointed for a term of three years. Each member of the existing Contract Review Committee serving at the time of the passage of this chapter shall take office as a member of the Contract Review Subcommittee and shall remain in office until the end of his or her term and until a successor member is duly appointed. Members of the Contract Review Subcommittee shall be in full compliance with the provisions of Massachusetts General Law Chapter 268A.

(Board of Selectmen)

ARTICLE 46

(Bylaw Amendment: Committees/Visitor Services and Information Advisory Committee)

To see if the Town will vote to amend Chapter 11 (Committees), Article IV (Visitor Services and Information Advisory Committee) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text)*:

~~§ 11-16. Administrative duties; budget; expenditures. Duties.~~

§11-16. Duties.

The Visitor Services and Information Advisory Committee will ~~oversee Nantucket's current Information Bureau, which Bureau will continue to be a Town department. It will provide the central administrative staff to carry out the day-to-day operations in accordance with the functions listed below. Seasonal employees, as required, will be overseen by the central staff. The employees of the Information Bureau may change in~~

number or job functions, in accordance with the procedures for Town employees stated in the Personnel Bylaw. The budget of the Information Bureau will be reviewed through the usual Finance Committee procedure for departments and by the Visitor Services and Information Advisory Committee. Prior to making expenditures for the various functions to be carried out, the Visitor Services and Information Advisory Committee will present an expenditure plan for the funds voted by Town Meeting to the Board of Selectmen for its approval.

provide recommendations to the Board of Selectmen and/or Town Administration regarding island visitor services, including information and resource promotion, public rest room facilities, signage, and public information.

§11-17. Functions.

The principal functions carried out will be island visitor services, information and resource promotion; this may include funding allocations for additional visitor service purposes such as construction and maintenance of public rest room facilities, beach/harbor maintenance, signage, cleaning of public places and public information.

(Board of Selectmen)

ARTICLE 47

(Bylaw: Civil Fingerprinting Authorization)

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172B ½, to adopt the following bylaw enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcoholic Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers
- Hackney Drivers
- Ice Cream Truck Vendors

And to adopt appropriate policies and procedures to effectuate the purposes of this bylaw, or take any other action related thereto.

Chapter 108

CIVIL FINGERPRINTING

§108-1. Criminal History Check Authorization.

- A. The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B ½, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:
- 1) Hawking and Peddling or other Door-to-Door Salespeople
 - 2) Manager of Alcoholic Beverage License
 - 3) Owner or Operator of Public Conveyance
 - 4) Dealer of Second-hand Articles
 - 5) Pawn Dealers
 - 6) Hackney Drivers
 - 7) Ice Cream Truck Vendors
- B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.
- C. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (BI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.
- D. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this bylaw. The State and FBI criminal history will not be disseminated to unauthorized entities.
- E. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the records are set forth in the Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the

fingerprint-based criminal record background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this paragraph and the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

- F. The Police Department shall communicate the results of the fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense. No such suitability evaluation or communication shall be disseminated to unauthorized entities.
- G. The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed bylaw, but in doing so is recommended that it consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

§108-2. Use of Criminal Record by Licensing Authorities.

- A. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this bylaw. A Town licensing authority may deny an application for the license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.
- B. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this bylaw.

§108-3. Fees.

- A. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

(Board of Selectmen)

ARTICLE 48 **(Bylaw Amendment: Finances)**

To see if the Town will vote to amend Chapter 19 (Finances) of the Code of the Town of Nantucket by adding a new Article XII as follows:

ARTICLE XII **Due Date for Municipal Fees, Charges and Bills** **§ 19-20.**

The due date for the payment of all municipal fees, charges and bills, including but not limited to sewer and landfill accounts, shall be thirty (30) days after the fee, charge or bill is issued by the Town, unless otherwise specified by a General Law or special act of the Commonwealth or other Town by-law. The Board of Selectmen may, but is not required to, vote to exempt a particular fee, charge or bill not so specified from the terms of this bylaw. Interest on any overdue fee, charge or bill subject to this bylaw shall accrue at the same rate as charged on tax bills pursuant to Massachusetts General Laws Chapter 59, Section 57.

(Board of Selectmen)

ARTICLE 49 **(Charter Amendment)**

To see if the Town will vote to: amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by amending **Article II Legislative Functions, Section 2.5 Town Meeting Warrant** to read as follows:

(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text)

(a) The Board of Selectmen shall include all proposed operating expenditures in a single article or in consecutive articles in the warrant and also all proposed capital improvement expenditures in a single article or in consecutive articles.

(b) The Board of Selectmen shall not include any zoning articles for amendment to Chapters 136 and 139, nor any changes to zoning maps proposed by any Town board or official on any Special Town Meeting warrant, except by a vote of two thirds of all members of the Board of Selectmen. All such articles shall be reserved for consideration by the body of the Annual Town Meeting. This prohibition shall not apply to citizen's petitions submitted in accordance with MGL Ch. 40, §10.

(b) (c) The Board of Selectmen shall publish the warrant of each Town Meeting in a newspaper of general circulation within the Town promptly after issuance of the warrant. After such publication of the warrant, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation.

(e) (d) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting.

Or take any other action in relation thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 50 (Charter Amendment)

To see if the Town will vote to: amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by amending Article II Legislative Functions to read as follows:

(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):

“Section 2.5 (c) - The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee and shall have such copies available at least seven days prior to the Town Meeting at the Town & County Building at 16 Broad Street, or shall post a copy of such warrant on the Town of Nantucket website, or shall mail a copy of such warrant to the address or postal box of each Head of Household registered as a voter with the Town Clerk, or shall email a copy of such warrant to the email address provided by any voter to the Board of Selectmen ~~by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting.~~

or take any other action in relation thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 51 (Charter Amendment)

To see if the Town will vote to: amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by amending Article III Board of Selectmen to read as follows:

(NOTE: new language is shown as highlighted text, language to be deleted is shown by ~~strikeout~~; these methods to denote changes are not meant to become part of the final text)

Section 3.1 - Composition, Term of Office and Quorum

- (a) The Board of Selectmen shall be composed of five members elected for terms of three years each, so arranged that the terms of as nearly equal number of members as possible expire each year. To qualify for office, each member shall be and remain a resident of the Town. Three of the five members shall constitute a quorum. A majority of the quorum shall be sufficient to set the Board's meeting agenda and to decide any question, except as may be otherwise provided **by law** or this Charter.
- (b) Additionally, one Alternate member shall be sworn by the Town Clerk. Said member shall be the candidate who receives the next highest number of votes in the annual election, who is willing to serve, after the one or two annual office(s) is filled by the annual election,.
- (c) In order to ensure that a quorum may be reached, especially in times when death or disability prevents one or more Board members from serving, the Alternate Selectman shall automatically serve until a quorum of the Board is again reached. In the case of absence due to illness, a majority of the Board may designate that the Alternate serve during the period of the absence.
- (d) There shall be no compensation for the Alternate Selectman seat.

Or take any other action in relation thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 52

(Home Rule Petition: Airport Revolving Fund)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Relative to the Nantucket Memorial Airport Fuel Revolving Account

SECTION 1. Chapter 28 of the acts of 2004 is hereby amended by inserting at the end of section 1 the following:- This fund shall not be included in the calculation of the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

SECTION 2. This act shall take effect upon its passage.

(Board of Selectmen for Airport Commission)

NOTE: The above home rule petition was approved as Article 20 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were

not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 53

(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act as set forth below and to authorize the General Court, with the approval of the Board of Selectmen of the Town to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Board of Selectmen and General Court to vary the specific text of the requested legislation within the scope of the general public objectives of this home rule petition, such legislation to read substantially as follows:

AN ACT AMENDING THE NANTUCKET HISTORIC DISTRICT COMMISSION ACT

Section 1. An Act Establishing An Historic District Commission For The Town Of Nantucket And Establishing Nantucket Island As The Historic District (being chapter 395 of the Acts of 1970, as amended by chapter 708 of the Acts of 1972, chapter 300 of the Acts of 1984, as amended by chapter 291 of the Acts of 1985, as amended by chapter 735 of the Acts of 1987, as amended by chapter 333 of the Acts of 1989, as amended by chapter 314 of the Acts of 1990, as amended by chapter 193 of the Acts of 1998, as amended by chapter 57 of the Acts of 2000, as amended by chapter 90 of the Acts of 2002, as amended by chapter 90 of the Acts of 2010, referred to collectively as the "HDC Act") is hereby amended as follows:

- a. by striking out the definition of "structure" in Section 2A and inserting in its place thereof the following definition:

"Structure" a combination of materials, other than a building, that includes, a vending machine, sign, fence, terrace, walk, driveway and object that needs a gravel or cement footing, or a fastener to keep it in place.

- b. By adding a new Section 8(a) entitled "Applicant's Rights" as follows:

HDC members shall act with proper conduct and ethics based on the rules and regulations adopted by the Historic District Commission pursuant to Section 8 of the HDC Act.

If an applicant believes that a member or members of the HDC have violated such rules and regulations, the applicant may use the procedure set forth in Section 5.4 of the Town's Charter entitled "Recall of Elected Officials".

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 80 at the 2011 Annual Town Meeting and Article 72 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the Legislature, which were not acted upon by December 31, 2012 will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 54

(Home Rule Petition: Land Bank Real Estate Conveyance)

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

*AN ACT APPROVING THE NANTUCKET ISLANDS LAND BANK TO SELL, CONVEY
OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF
NANTUCKET FOR ANY LAWFUL PURPOSE*

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by authority of the same, as follows:

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts notwithstanding the provisions of any general or special law to the contrary, the Nantucket Islands Land Bank may sell, convey or otherwise dispose of any or all portion of certain land situated in the Town of Nantucket totaling approximately 38.5 acres shown on Town of Nantucket Assessor's Map 89, Parcel 6, 6.1 and 6.2.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Islands Land Bank Commission)

NOTE: The above home rule petition was approved as Article 82 at the 2011 Annual Town Meeting and Article 73 at the 2012 Annual Town Meeting. Home rule petitions currently pending before the Legislature, which were not acted upon by December 31, 2012 will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 55

(Home Rule Petition: Real Estate Conveyance to Land Bank)

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

*AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR
OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF
NANTUCKET FOR ANY LAWFUL PURPOSE*

Be in enacted by the Senate and the House of Representatives in General Court assembled, and by authority of the same, as follows:

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of certain land situated in the Town of Nantucket and described as follows:

- Assessors Map 38, Parcel 30, 55 Warrens Landing Road, shown as Lot C on Land Court Plan 12127-B, drawn by Josiah S. Barrett, Engineer, dated July 1950, and filed with Certificate of Title No. 3255 at the Registry District of Nantucket County (a.k.a. The Wood Property).

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: This parcel will be transferred for conveyance to the Land Bank. This article was approved as Article 74 at the 2012 Annual Town Meeting. Home rule petitions currently pending before the Legislature, which were not acted upon by December 31, 2012 will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 56

(Home Rule Petition: Harbor and Shellfish Advisory Board)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

**AN ACT EXEMPTING THE HARBOR AND SHELLFISH ADVISORY BOARD
MEMBERSHIP FROM CONFLICT OF INTEREST REGARDING DISCUSSION OF
SHELLFISH LICENSING**

Section 1. The second paragraph of Chapter 465 of the Acts of 1976 ("An Act Establishing a Harbor and Shellfish Advisory Board in the Town of Nantucket") as amended by Chapter 270 of the Acts of 1979 ("An Act Providing for the Filling of Vacancies on the Harbor and Shellfish Advisory Board of the Town of Nantucket"), is hereby amended by adding the following new sentence at the end of the existing text:

“It is the intent of the establishment of the Nantucket Harbor and Shellfish Advisory Board to provide an advisory role for commercial fishermen and those who make a living from the sea, to the Nantucket Board of Selectmen, therefore to encourage such persons to participate in this publicly elected advisory board, the members of the Board shall be exempt from Chapter 268A subsections (a) and (c) of section 17 of the Massachusetts General Laws and from Chapter 268A section 19(a) of the Massachusetts General Laws when participating in the particular matter of providing advice and recommendations to the Board of Selectmen regarding shellfish fishing, harvesting, licensing and fishery standards.”

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 66 of the 2009 Annual Town Meeting; Article 62 of the 2010 Annual Town Meeting; Article 83 of the 2011 Annual Town Meeting and Article 75 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 57

(Home Rule Petition: Nantucket Mosquito Control Project)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act creating the Nantucket Mosquito Control Project, in the form set forth herein; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING THE NANTUCKET MOSQUITO CONTROL PROJECT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Section 2 of chapter 169 of the acts of 1965 is hereby amended by striking out the words “mosquito control commission” from the first sentence.

Section 2. The area included in the county and town of Nantucket is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Nantucket Mosquito Control Project.

Section 3. There shall be a commission as provided under said section five A of chapter two hundred and fifty-two which shall consist of five members. The members shall be appointed by the board of selectmen, subject to approval of the state reclamation board. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 76 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 58

(Home Rule Petition: Regulation of Fertilizer Use)

To see if the Town will vote to re-authorize the Board of Selectmen to petition the General Court to enact Special Legislation so as to carry out the vote taken under Article 68 of the April 6, 2010 Annual Town Meeting, as follows; provided the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

An Act Regulating the Content and Application of Fertilizer Used in the Town of Nantucket

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Findings

1.1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Nantucket water bodies. This undesirable algae and aquatic plant growth has a adverse affect on public health through the degradation of waters used for drinking water, shellfishing, and recreational swimming and boating.

Section 2. Purpose

2.1. It is necessary to control by regulation in the Town of Nantucket the use of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town.

2.2. The soils of Nantucket are unique insofar as Nantucket has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Nantucket retain localized control over the amounts of nitrogen and phosphorus added to soils through the application of fertilizers.

2.3. The Nantucket Board of Health has established a fertilizer regulation based on Best Management Practices developed by a broad group of stakeholders representing diverse interests that has been reviewed by soil and turf scientists and educators and has been determined appropriate for the unique soils and climate of Nantucket.

2.4. This Act provides for a reduction of nitrogen and phosphorus going into Nantucket's waters and wetlands by means of an organized system of education, licensure, and regulation of practice and should help Nantucket to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Local Regulation by the Town of Nantucket

3.1. This Act shall apply to the content and application of fertilizer used in the Town of Nantucket, notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth.

3.2. The Town of Nantucket is hereby specially authorized to regulate the content and application of fertilizer used in the Town of Nantucket either through a general bylaw enacted by a majority vote of its Town Meeting and/or through a regulation adopted by its Board of Health in accordance with the procedure set forth in Section 3.3 of this Act.

3.3. Notwithstanding the requirements of G.L. c. 111, §31, no such Board of Health regulations shall be adopted or amended until such time as the Board of Health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing. No such amendment shall be effective unless the proposed amendment has been reviewed and commented upon by soil and turf scientists and educators and it is passed by a four-fifths vote of the Board of Health.

Section 4. Effective Date

This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 77 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 59

(Home Rule Petition: Community Preservation Committee)

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested legislation within the scope of the public policy objectives of the Home Rule Petition set forth below:

An Act relative to the Community Preservation Committee in the Town of
Nantucket

Section 1. Notwithstanding the provisions of section 5(a) of chapter 44B of the general laws, or of any other general or special law to the contrary, where the historical commission of the town of Nantucket created under section 8D of chapter 40 did not exist at the time the Community Preservation Act was adopted by said town, the community preservation committee in the town of Nantucket shall include one member of the historic district commission established under section 4 of chapter 40C of the general laws, as selected by the commission, in place of one member of the historical commission. Provided, however, that the preceding sentence shall not be interpreted to preclude the town of Nantucket from including a member of said historical commission on the community preservation committee either by appointment or election consistent with the then applicable community preservation committee bylaw.

Section 2. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 67 of the 2012 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote.

ARTICLE 60

(Home Rule Petition: Conveyance of Property by the County/Smooth Hummocks - Moorlands Management District)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the change in use, transfer and conveyance of a certain parcel of land from the County of Nantucket for

beach purposes, as described in more detail below and as shown on a map entitled "2012 Special Town Meeting Warrant Article 14" dated August, 2012 and filed with the Office of the Town Clerk, to the Town of Nantucket for beach purposes and also for open space purposes, and further, to authorize the Board of Selectmen to accept such parcel of land; and to authorized the Board of Selectmen to convey said parcel to the Nantucket Islands Land Bank subject to certain restrictions set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto

An Act Approving the Conveyance of Property by the County and Town of Nantucket

Section 1. The County of Nantucket is hereby authorized to convey without consideration the fee in a parcel of land shown on the Nantucket Board of Assessors' Map 82, as Parcel 22, Heller Way/Smooth Hummocks, from the County of Nantucket for beach purposes to the Town of Nantucket for beach and open space purposes.

Section 2. The Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of any portion of Assessor Map 82, Parcel 22, Heller Way/Smooth Hummocks to the Nantucket Islands Land Bank for beach and open space purposes, any such disposition to be on such terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions and provided that the following easements and restrictions are placed on the property prior to its conveyance: (1) an easement for purposes of access to the beach and for use as a beach, otherwise known as the "One Big Beach Easement"; (2) an easement preserving the right to use two (2) traveled ways that cross the subject property for all purposes for which public ways are commonly used; (3) the right to dedicate, construct, or otherwise establish parking areas consistent with the purpose of restriction (1) above; and (4) a right of reverter clause for a reversion of title to the Town in the event the above restrictions are violated, all as shown on a map entitled "2013 Annual Town Meeting Warrant Article 60" dated January 2013 and filed herewith at the Office of the Town Clerk.

Section 3. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal of the Commonwealth under the provisions of Section 14 of Chapter 34 of the General Laws shall not be applicable to any conveyance authorized hereunder.

Section 4. This Act shall take effect upon passage.

Or to take any other action relative thereto.

(Board of Selectmen)

NOTE: A home rule petition was approved as Article 14 of the October 22, 2012 Special Town Meeting to authorize the transfer of the land from the County to the Town. Home

rule petitions currently pending before the legislature, which were not acted upon by December 31, 2012, will expire unless renewed by a confirmatory town meeting vote. In addition, the original Home Rule Petition has been modified to further authorize the transfer of the same land from the Town to the Nantucket Islands Land Bank subject to the restrictions listed in section 2 above.

ARTICLE 61

(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act of 1970, as amended, to provide that HDC Commissioners be limited to two (2) consecutive terms in office. Or to take any other action related thereto.

(Curtis L. Barnes, et al)

ARTICLE 62

(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act of 1970, as amended, to provide that the jurisdiction of the Historic District Commission be limited to the (1) Old and Historic District, and (2) Old and Historic Siasconset District, as specified by the Supreme Judicial Court of Massachusetts in the initial Enabling Act of 1955. Or to take any other action related thereto.

(Curtis L. Barnes, et al)

ARTICLE 63

(Home Rule Petition: Amendment of Historic District Commission Act)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act of 1970, as amended, to provide that HDC Commissioners be appointed by the Selectmen, as specified by the Supreme Judicial Court of Massachusetts in the initial Enabling Act. of 1955. Or to take any other action related thereto.

(Curtis L. Barnes, et al)

ARTICLE 64

(Home Rule Petition: Funeral Directors, Embalmers, Funeral Homes, and Crematories)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT EXEMPTING THE TOWN OF NANTUCKET FROM THE PROVISIONS OF MGL and THE CODE OF MASSACHUSETTS REGULATIONS REGARDING FUNERAL DIRECTORS, EMBALMERS, FUNERAL HOMES, and CREMATORIES

Section 1. Funeral Directors and Embalmers: Notwithstanding the provisions of MGL Ch. 112, § 83 and 239 CMR 3.02, Type 3 Funeral Directors and Embalmers shall be exempted from holding any ownership shares in any funeral establishment on Nantucket Island.

Section 2. Establishments: Notwithstanding the provisions of 239 CMR 3.06.(1)(b), any funeral establishment on Nantucket Island shall not be mandated to have a chapel; and of 239 CMR 3.06 (1) f) any funeral establishment on Nantucket Island may consist of more than one building or more than one lot of land, said buildings and/or lots shall not be required to be adjoining or connecting.

Section 3. Notwithstanding the provisions of MGL Ch. 114, §43B, the placement of any future crematory sited on Nantucket Island shall be determined by the Nantucket Cemetery Commission, created pursuant to the Acts of 2011, Chapter 47, or a vote at an Annual Town Meeting. Such crematory may be sited as an auxiliary use of any public or private cemetery, or may be sited on a single parcel of town-owned land.

Section 4. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 65

(Home Rule Petition: Cessation of Longevity Payments for Nantucket Town and County Employees)

To see if the Town will vote to present the Home Rule Petition as set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, or take any other action relative thereto:

An Act Relative to Longevity Payments for Employees of the Town and County of Nantucket

SECTION 1. Notwithstanding section 7 of chapter 150E of the General Laws, or of any other general or special law to the contrary, no individual commencing employment with the Town or County of Nantucket on or after the effective date of this Act shall be eligible to receive periodic payments to employees based on years of service, hereinafter referred to as "longevity payments", and such payments to such individuals commencing employment with the Town or County of Nantucket on or after the effective date of this Act shall not be a subject of collective bargaining between the Town and County of Nantucket and any of their collective bargaining units; provided, however, that any employee of the Town or County of Nantucket covered on the effective date of this act by a collective bargaining agreement, individual employment agreement, or personnel

policy or by-law providing for such payments shall continue to be eligible for longevity payments.

SECTION 2. This act shall take effect upon its passage.

(Craig Sperry, et al)

ARTICLE 66

(Home Rule Petition: Relative to Retirement Benefits for Nantucket Town and County Employees)

To see if the Town will vote to present the Home Rule Petition as set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, or take any other action relative thereto:

An Act relative to Retirement Benefits for Employees of the Town and County of Nantucket

SECTION 1. Notwithstanding section 1 of chapter 32 of the General Laws, or of any other general or special law to the contrary, no individual commencing employment with the Town or County of Nantucket on or after the effective date of this Act shall be deemed an "employee" under section 1 of said chapter 32 nor otherwise be eligible by virtue of employment with said Town or County to participate in the Barnstable County Retirement System or in any other contributory retirement system operated by the Commonwealth or any political subdivisions thereof. This Act shall not preclude persons employed by the Town or County of Nantucket from participating in a so-called IRC Section 457 plan or comparable plan as may be sponsored by said Town or County.

SECTION 2. This act shall take effect upon its passage.

(Craig Sperry, et al)

ARTICLE 67

(Reaffirm Separation of Police and Fire Departments)

To see if the Town will vote to reaffirm the continuation of separate Fire and Police Departments, with each department run by a fire chief and police chief, with each being the distinct department head for their respective department, or take any other action relative thereto.

(Jeffrey M. Allen, et al)

ARTICLE 68
**(Non-binding “Sense of the Meeting” Request for
Town Support of “The Nantucket Life Foundation”)**

To see if the Town will vote to support the formation of THE NANTUCKET LIFE FOUNDATION. Said Foundation, a nonprofit organization, shall endeavor to purchase the current funeral business, to petition the Town of Nantucket to provide land to construct a not-for-profit funeral home, to hire and supervise employees, to establish a not-for-profit crematory, and to assist the Nantucket Cemetery Commission to facilitate the care and maintenance of Nantucket’s public cemeteries and ancient burial places.

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE 69
(Request for Establishment of Tick-borne Disease Reduction Committee)
To see if the Town will vote to establish a Tick-borne Disease Reduction Committee.

(Carol Dunton, et al)

ARTICLE 70
(Request to Increase Town Meeting Quorum for Appropriations and Transfers)
To see if the Town will vote that no appropriations be made at any Annual Town Meeting unless there are present voters constituting at least 8% of the registered voters; provided, however, that said quorum would not be necessary to approve the transferring of funds previously appropriated or from the surplus revenue accounts. In the event that a vote is needed to approved the transference of such funds, there must be present at least 6% of the registered voters.

(Carol Dunton, et al)

ARTICLE 71
(Non-Binding Resolution: Photovoltaic Solar)
To see if the Town will vote to: adopt a non-binding resolution directed to the Board of Selectmen and the Airport Commission to pursue the development of photovoltaic solar systems at the airport and wastewater treatment facility, or to take any other action related thereto.

(Barbara Gookin, et al)

ARTICLE 72
**(Non-Binding Resolution: Renewable Energy Power Source
for Electric Vehicle Charging Stations)**
To see if the Town will vote to: adopt a non-binding resolution directed to the Town Administration to include an independent renewable energy power source for any new electric vehicle charging stations, or to take any other action related thereto.

(Barbara Gookin, et al)

ARTICLE 73

(Real Estate Disposition: 47 Boulevarde)

To see if the Town will vote to transfer from the Town Treasurer for Tax Title purposes or from such other board or officer as might have custody of the land described below for the purposes for which the land is currently held, to the Board of Selectmen for the purpose of lease or conveyance, and to authorize the Board to lease said land for a period of up to 50 years or convey said land, the property at issue being located at 47 Boulevarde, Assessor's Map 79, Parcel 75, upon such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and provided further that if the Board of Selectmen determines that the property should be conveyed for affordable housing purposes, the Board of Selectmen be authorized to convey to a non-profit corporation, foundation, trust or organization an affordable housing restriction in said property, or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 74

(Real Estate Acquisition: 2 Bartlett Road)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purposes the fee title or lesser interests all or a portion of the land located at 2 Bartlett Road, Assessor's Map 67, Parcel 14.3.

And, to see if the Town will vote to appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 75

(Real Estate Conveyance: Industrial Land)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey by lease not exceeding 99 years or otherwise dispose of the fee or lesser interests in all or any portion of Lots F and G, and Shadbrush Road between said parcels, not exceeding five (5) acres, as shown on a plan entitled "Subdivision Plan of Land" dated May 10, 2010 on file at the Nantucket Registry of Deeds at Plan No. 2010-62, which parcels, respectively, are located at 3 Shadbrush Road, Nantucket, MA, shown as Map 78, Parcel 4.5, and 11 Industry Road, Nantucket, MA, shown as Map 69, Parcel 295, subject to compliance with Chapter 30B of the Massachusetts General Laws and a finding by the Board of Selectmen that such sale, conveyance or release furthers community planning and environmental protection goals.

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 75" dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 76

(Real Estate Conveyance: Easements/Industry Road and Shadbush Road; Map 78 Parcel 4)

To see if the Town will vote to authorize the Board of Selectmen to grant permanent access and utility easements for the purposes of installing, operating and maintaining certain electric distribution and telecommunication lines and equipment for the purposes of transmitting electricity and intelligence, on, over, through and under land owned by the Town situated at Industry Road and Shadbush Road within Map 78 Parcel 4; and to take any other action related thereto.

(Board of Selectmen)

ARTICLE 77

(Real Estate Disposition: Long-term Lease Authorization, 14 Airport Road)

To see if the Town will vote to authorize the Airport Commission to lease for a lease term not to exceed ten (10) years part of the following Town-owned property located at 14 Airport Road, Map 78, Parcel 1, described as Airport Terminal Concessions as depicted on Terminal First Floor Partial Plan - Area C, and prepared by Earth Tech Architecture, for concession purposes, subject to Massachusetts G.L. c. 30B; and to take any other action related thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 78

(Real Estate Disposition: Long-term Lease Authorization/Town Property at Landfill)

To see if the Town will vote to authorize the Board of Selectmen to lease for a lease term not to exceed twenty-five (25) years part of the following Town-owned property located at 188 Madaket Road, and further described as Assessor Map 58, Parcel 1 and Assessor Map 39, Parcel 14, for telecommunications tower purposes, subject to Massachusetts G.L. c. 30B; and to take any other action related thereto.

(Board of Selectmen)

ARTICLE 79

(Public Ways: Coffin, Fayette, Meader and Francis Streets)

To see if the Town will vote to accept Coffin, Fayette, Meader and Francis Streets between Washington Street and Union Street as public ways, as laid out by the Board of Selectmen; and further to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee or any lesser interest in said roadways; and, to

raise and appropriate, borrow pursuant to applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action relative there.

(Board of Selectmen)

ARTICLE 80

(Real Estate Acquisition: Various "Paper" Streets and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, open space and/or general municipal purpose and for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the following unconstructed right of ways or parcels of land:

- Macy Street, New York Avenue and Clinton Street (Monomoy) from the southern sideline of Monomoy Road (f.k.a. DeWolfe Avenue) to their southern termini;
- Tennessee Avenue (Madaket) between the eastern sideline of C Street and the western sideline of D Street;
- Saccacha Avenue (Cisco) from a line across said street approximately 300 feet from its terminus to its terminus;
- South Miacomet Road (Cisco) from the western sideline of Westerwyck Way to its terminus;
- California and New Hampshire Avenues (Madaket) between the eastern sideline of Ames Avenue and the western sideline of Massachusetts Avenue;
- Massachusetts Avenue (Madaket) between the a line extending the southern sideline of Rhode Island Avenue and the southern sideline of California Avenue;
- Hinsdale Road (Mid-Island) between a line extending the westerly sideline of a Proprietors Road across said street to a line extending the western lot line of a property shown as Assessor Map 68, Parcel 404 (72A Old South Road) across said street;
- Weweeder Avenue between the eastern sideline of and the western sideline of Barker Street (Maddequecham);
- Monomoy Street between the northern sideline of East Lincoln Street to the southern sideline of Northern Avenue; a portion of Galen Street from a line extending the easterly property line of Assessor Map 29 Parcel 116 across Galen Street to the eastern sideline of Monomoy Street and all of Northern Avenue as shown on Land Court Plan 14993A (Brant Point);

- 143 B Surfside Road, Assessor Map 80 Parcel 101.3;
- Assessor Map 60.2.4 Parcel 53, Alabama Avenue (Madaket);
- Assessor Map 92.4 Parcel 139, Nichols Road (Tom Nevers);
- Assessor Map 60.3.1 Parcels: 192 and 394, New Hampshire Avenue (Madaket);
- Assessor Map 61.1.1 Parcels: 159 and 175, Missouri Avenue (Esther's Island);
- Assessor Map 61.1.4 Parcels 75 and 76, Wisconsin Avenue (Esther's Island);
- Assessor Map 36.3.2 Parcels 2, 5 and 8, New York Avenue (Esther's Island/Smith's Point);
- 2408 F Sheet 1, all lots in Blocks 6,7,8,9,and 10; 2408F Sheet 2, all lots in Blocks 1,2,3,4 and 5; 2408P Block 63, Lots 31 and 32, 2408R Block 78 Lots 8 and 9; 2408 S Block 50 Lots 1-14; Block 57, Lots 16, 17, 20,21, 26-31; and Block 58 Lots 25-41, Block 64 1 and 2; 2408 T Block 67 Lots 6 and 7 (Esther's Island/Smith's Point);

All as shown on a map entitled "2013 Annual Town Meeting Warrant Article 80 Acquisition and Disposition of Various "Paper" Streets and Misc. Parcels" dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 81

(Real Estate Conveyance: Various "Paper" Streets and Misc. Parcels)

To see if the Town will vote to authorize the Board of Selectmen to (1) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, (2) dedicate all or any portion of the subject land for open space and recreational purposes, and/or (3) sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land to the Nantucket Islands Land Bank, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to the following land:

- Macy Street, New York Avenue and Clinton Street (Monomoy) from the southern sideline of Monomoy Road (f.k.a. DeWolfe Avenue) to their southern termini;
- Tennessee Avenue (Madaket) between the eastern sideline of C Street and the western sideline of D Street;
- Saccacha Avenue (Cisco) from a line across said street approximately 300 feet from its terminus to its terminus;
- South Miacomet Road (Cisco) from the western sideline of Westerwyck Way to its terminus;
- California and New Hampshire Avenues (Madaket) between the eastern sideline of Ames Avenue and the western sideline of Massachusetts Avenue;
- Massachusetts Avenue (Madaket) between the a line extending the southern sideline of Rhode Island Avenue and the southern sideline of California Avenue;
- Hinsdale Road (Mid-Island) between a line extending the westerly sideline of a Proprietors Road across said street to a line extending the western lot line of a property shown as Assessor Map 68, Parcel 404 (72A Old South Road) across said street;
- Weweeder Avenue between the eastern sideline of and the western sideline of Barker Street (Maddequecham);
- Monomoy Street between the northern sideline of East Lincoln Street to the southern sideline of Northern Avenue; a portion of Galen Street from a line extending the easterly property line of Assessor Map 29 Parcel 116 across Galen Street to the eastern sideline of Monomoy Street and all of Northern Avenue as shown on Land Court Plan 14993A (Brant Point);
- 5 (Lot 3 containing 38,010 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) and 9 (Lot 2 containing 26,461 square feet shown on Plan 2010-35 on file at the Nantucket Registry of Deeds) Miacomet Road, Assessor Map 67 Parcels 680 and 679;
- 143B Surfside Road, Map 80 Parcel 101.3;
- 143A Surfside Road, Map 80 Parcel 101.2;
- 2 Ames Avenue, Map 60 Parcel 138 (Madaket);
- 15 Ames Avenue, Map 60.2.4 Parcels 27 and 29 (Madaket);

- Parcel G and a portion of Parcel C on Plan No. 2012-20 (formerly part of the Boulevardde (Madequecham));

All as shown on a map entitled “2013 Annual Town Meeting Warrant Article 81 Acquisition and Disposition of Various “Paper” Streets and Misc. Parcels” dated January 2013 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 82

(Real Estate Acquisition: 42 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for roadway, bike path, pedestrian access, school-related or cemetery purposes, and if acquired for cemetery purposes, to place such property in the care, custody and control of the Nantucket Cemetery Commission:

- Assessors Map 55 Parcel 601 known as 42 Sparks Avenue shown as Lot A containing 13,816 square feet of land

As shown on a “Plan of Land in Nantucket, Mass.”, dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

ARTICLE 83

(Real Estate Acquisition/Conveyance: 40 Sparks Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, purchase or gift, the fee interest in the following property, for general municipal, cemetery or open space purposes or for the purposes of conveyance; if acquired for general municipal or open space purposes, the property shall be placed in the care, custody and control of the Board of Selectmen; if acquired for cemetery purposes, to place such property in the care, custody, and control of the Nantucket Cemetery Commission; if acquired for the purposes of conveyance, to further authorize the Board of Selectmen to convey, sell or dispose of the fee or any lesser interests in all or any portion of the land identified below to the Nantucket Islands Land Bank or for any legal purpose subject to MGL Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate which may include the reservation of easements and restrictions:

- Assessors Map 55 Parcel 602 known as 40 Sparks Avenue shown as Lot A containing 36,511 square feet of land

As shown on a "Plan of Land in Nantucket, Mass.", dated December 19, 1997 on file at the Nantucket Planning Board at Plan File 6235.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

ARTICLE 84

(Authorization for Lease at Landfill for Community Scale Wind Turbine)

To see if the Town will vote to: authorize the Board of Selectmen to enter into a lease or other arrangement with a vendor, subject to the provisions of any existing land lease, at the Nantucket landfill for the development of a community scale wind turbine similar in size and specifications to the Nantucket High School wind turbine for a term not to exceed twenty years, and further to authorize the Board of Selectmen to enter into a Power Purchase Agreement with the lessee for the purchase of the electricity generated by the wind turbine on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, or to take any other action related thereto.

(Barbara Gookin, et al)

ARTICLE 85

(Real Estate: Martin's Lane)

To see if the Town will vote to: instruct the Board of Selectmen/County Commissioners to abolish the use of Martins lane from motorized traffic and convert it to a pedestrian use only.

(John F. McLaughlin, et al)

ARTICLE 86

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2013 tax levy.

Or to take any other action related thereto.

(Board of Selectmen)

ARTICLE 87

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the ensuing Fiscal Year and to authorize the Assessors to

use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Board of Selectmen)

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE NINTH DAY OF APRIL, 2013
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator	One for a term of one year
Town Clerk	One for a term of three years
Selectman	Two for terms of three years
School Committee	One for a term of three years
Historic District Commission	Two for terms of three years
Historic District Commission Associate	One for a term of three years
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Three for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting and election aforesaid.

Given under our hands this 23rd day of January in the year Two Thousand Thirteen.

Patricia Roggeveen, Chairman

Robert DeCosta, Vice Chairman

Rick Atherton

Bruce D. Miller

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of January 23, 2013, I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____ at the Stop & Shop on Pleasant Street, the Town and County Building at 16 Broad Street; and upon the Bulletin Boards at the corner of Main and Federal Streets, and Siasconset Square.

Sworn to under pains and penalties of perjury,

Catherine Flanagan Stover, Constable